## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

TO BE ASSIGNED, WHICH IS A NATIONAL STAGE APPLICATION OF

PCT/AU2003/001584 FILED NOVEMBER 28, 2003

**Applicants** 

: DEBRUYNE, ET AL.

Filed

CONCURRENTLY HEREWITH

Title

COCHLEAR IMPLANT DRUG DELIVERY DEVICE

Art Unit

TO BE ASSIGNED

Examiner

TO BE ASSIGNED

Atty Docket No.

COCH-0149-US1

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.51(b), 1.56, 1.97 and 1.98, this Information Disclosure Statement is submitted in the above-identified patent application. A listing of documents to be published on the face of any patent granted from this application is submitted herewith on Form PTO/SB08a. Any other documents or information submitted for consideration by the Examiner are listed in this paper. A copy of each foreign patent, or each publication or portion thereof listed or herein identified, is submitted herewith, except that a copy of any U.S. patent application identified herein or any patent, publication or other information listed herein cited or submitted in a prior application relied upon for an earlier filing date under 35 U.S.C. § 120 and identified below, is not submitted herewith.

This Information Disclosure Statement is submitted within three months of (i) the filing date of the above-identified U.S. National Patent application, or (ii) before the first office action on the merits, or (iii) the date of entry into the U.S. National Stage of the above-identified International Application, or (iv) the date of entry into the U.S. National Stage of the International Application that has been assigned the above-identified U.S. Patent application number, whichever applies.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit** Account Number 10-0233-COCH-0149-US1.

The Examiner is requested to acknowledge consideration of the information provided in this paper in accordance with prescribed procedures.

Respectfully submitted,

Ajay A. Jagtiani

Registration Number 35,205

JAGTIANI + GUTTAG Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664

May 27, 2005

JC06 Rec'd PCT/PTO 27 use May 2005 TO/SB/08a (08-03)

Complete If Known

U.S. Patent and 7 if 1995, no persons are required to respond to a collection of it

nark Office; U.S. DEPARTMENT OF COMMERCE on unless it contains a valid OMB control number.

nder the Paperwork Reduct	0
Substitute for Form PTO-	

Substitute for Form PTO-

**INFORMATION DISCLOSURE** 

Applicant Number

Filing Date

First Named Inventor

Art Unit

To be assigned

STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Examiner Name To be assigned

Attorney Docket Number COCH-0149-US1

	U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No.1	Document Number Number-Kind Code <sup>2 (If Known)</sup>	Publication Date MM-DD-YY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 6,038,483	03-14-00	David J. Vachon	
		US- 6,309,410	10-30-01	Kuzma, et al.	
		US- 6,304,787	10-16-01	Kuzma, et al.	
		US-			·
		US-			

		FOREIGN	PATENT DO	CUMENTS		
Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines,	6
Initials*	No.1	Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5 (if known)</sup>	MM-DD-YY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	
		WO 02/4166	05-23-02	Cochlear Limited		ij
	·	WO 03/072193	09-04-03	Cochlear Limited		
		WO/01/41674	06-14-01	Mika Lahtinen		
	ļ	WO/00/57949	03-29-00	Cardiac Pacemakers, Inc.		
		WO/03/049658	06-19-03	Cochlear Limited		
		WO/02/083234	10-24-02	St. Jude Medical AB		$\top$
		<b></b>				一
						$\top$

1		<del> </del>	
	Examiner's	Date	
		Duic	
	Signature	Considered	l .
	Orginataro	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.